

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GAIL, JOHN D. and John F. CORVELLO, et al,

Plaintiffs,

v.

C.A. No. 05-221T

NEW ENGLAND GAS COMPANY, INC.,

Defendant;

KEVIN BURNS, et al.

Plaintiffs,

v.

C.A. No. 05-274T

SOUTHERN UNION COMPANY dba
FALL RIVER GAS AND NEW ENGLAND GAS

Defendants;

COLLEEN BIGELOW, et al.

Plaintiffs,

v.

C.A. No. 05-370T

NEW ENGLAND GAS COMPANY, formerly known as
FALL RIVER GAS COMPANY, an
unincorporated division of
SOUTHERN UNION COMPANY,

Defendants;

SHEILA REIS, et al.

Plaintiffs,

v.

C.A. No. 05-522T

SOUTHERN UNION COMPANY dba
FALL RIVER GAS AND NEW ENGLAND GAS

Defendants.

**ORDER GRANTING, IN PART, AND DENYING, IN PART NEW ENGLAND
GAS CO.'S MOTION TO EXTEND DISCOVERY**

New England Gas Co.'s ("NEG's") motion to reset the discovery closure date, the jury empanelment date, and the trial date and to otherwise amend the Trial Order dated February 12, 2008 hereby is granted, in part, and denied, in part, as follows:


1. Because the counterclaim asserted by the Town of Tiverton against NEG was not asserted until November 20, 2007, and NEG has not had a reasonable opportunity to engage in discovery with respect to it, the Trial Order is amended to provide that the counterclaim will be addressed during the Phase II trial dealing with NEG's third-party claims rather than during the Phase I trial.
2. The discovery closure date with respect to damages only is further extended until April 11, 2008. The discovery closure date with respect to liability issues shall not be affected by this extension and remains February 29, 2008, as previously established.
3. Pursuant to the stipulation by the parties, the plaintiffs shall provide NEG with written reports from any and all expert witnesses whose testimony the plaintiffs intended to offer at trial no later than March 14, 2008, and the plaintiffs shall make those experts available for depositions before April 1, 2008.

4. On or before March 13, 2008, the parties shall submit brief memoranda identifying those issues that the Rhode Island Supreme Court has agreed to decide with respect to the so-called "lead paint cases" which may change or "clarify" the law applicable to issues presented in these cases. Upon receipt of those memoranda, this Court will rule on NEG's request for postponement of the empanelment date and trial.
5. In all other respects, NEG's motion is denied.

IT IS SO ORDERED.


Deputy Clerk

ENTER:


Senior Judge Ernest C. Torres
Date: 3/12/08